

IN RE:
EDWARD RIVERA TRINIDAD
NAOMI C MOLINA MARTINEZ

DEBTOR (S)

CASE NO. 13-00444-BKT

CHAPTER 13

TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$1,986.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,574.00 Fees paid: \$0.00 Fees Outstanding: \$2,574.00
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With respect to the proposed (amended) Plan dated: **July 18, 2013** (Dkt 46). Plan Base: **14,280.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Arrears under proposed plan as of this date totals \$228.00 (1 month), next payment in the amount of \$238.00 will become due on 08/24/2013. In order to obtain a favorable report, debtor must be current in payments with Trustee office.

- Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim.

The proposed plan fails to provide for Reliable Financial Services (Claim #5 - \$832.65) for arrears incurred by the Debtor.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor(s) has/have failed to submit stamped copies of his/her/ their 2011 1040PR and 2012 Income Tax Documents in order for the Trustee to determine the amount of tax refund (if any) that is to be surrendered according to the confirmed plan. Additionally, the Trustee is unable to determine if any potential change in Debtor's income has occurred that may potentially affect the base of the plan. (Second Notice)

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this August 06, 2013.

/s/ Jose R. Carrion

JOSE R. CARRION
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan, PR 00902-3884

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Tel. (787) 977-3535 Fax (787) 977-3550